

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**HERMAN L. CRAWFORD,  
Plaintiff,**

**v.**

**Case No. 07-C-840**

**JULIE SMITH, LISA KENYON,  
ANTHONY FLORES, JULIA STARR,  
JULIA STARK, and JOE HENGER,  
Defendants.**

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**MEMORANDUM AND ORDER**

Defendants Smith, Kenyon, Flores, Starr, and Stark filed a motion to dismiss on April 1, 2008. Under the applicable procedural rules, plaintiff's response to that motion should have been filed on or before May 1, 2008. However, I granted plaintiff's motion for an extension, and permitted plaintiff to file his response on or before September 22, 2008. After plaintiff still failed to file any response, I warned him that I would dismiss this action with prejudice for lack of prosecution if he failed to file his response by January 6, 2009.

On January 5, 2008, plaintiff filed a letter stating that he had started his response brief but needed more time as his parole agent refused to provide him with necessary documents and information. Although I noted that plaintiff failed to describe the documents and information allegedly withheld by his parole agent, and that plaintiff had not filed any motions to compel discovery, I still gave plaintiff the benefit of a third and final extension to complete his brief and ordered that plaintiff's response to defendants' motion to dismiss must be filed prior to January 20, 2009. In that same decision and order, I noted that if plaintiff still believed his parole agent or any defendant was withholding documents and information, he should describe such documents and information in his response brief. I

warned plaintiff again that the case would be dismissed with prejudice for failure to prosecute unless he responded by the January 20, 2009 deadline.

To date, despite receiving three extensions of time to respond to a motion that was filed more than ten months ago, plaintiff has still not filed his response.

**IT IS THEREFORE ORDERED** that this case is hereby **DISMISSED** with prejudice for failure to prosecute.

Dated at Milwaukee, Wisconsin, this 6 day of February, 2009.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge